CITY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A CITY COUNCIL WORK SESSION AND MEETING ON TUESDAY, OCTOBER 15, 2013 BEGINNING AT 6:00 PM—550 NORTH 800 WEST, WEST BOUNTIFUL CITY.

Work Session Agenda (6:00 pm)

1. Discussion on issues and options related to Birnam Woods Park and surrounding city property

City Council Agenda (7:30 pm)

Invocation/Thought by Invitation
Pledge of Allegiance – Debbie McKean

1. Accept Agenda
2. Public Comment (two minutes per person) or if a spokesperson has been asked by a group to summarize their comments, five minutes will be allowed.
3. Consider approval of 2013 municipal general election judges for West Bountiful City
4. Consider approval of Findings and Decisions on Applicant’s Request for a Variance and authorize Mayor Romney’s signature of document – Jenkins, 790 West 1000 North
5. Consider approval of Findings and Decisions on Applicant’s Request for a Variance and authorize Mayor Romney’s signature of document – Wilson, 1894 North 800 West
6. Consider appeal of storm drain impact fees imposed on the Carbone subdivision
7. Consider approval of Resolution 319-13, a resolution to vacate a public utility easement located at approximately 600 East 600 North, Bountiful, Utah.
8. Consider proposed amendment to the FY 2014 budget and set date for public hearing
9. Discussion on draft Athletic Field Policy
11. Engineer Report
12. Police Report
15. Mayor/Council Reports
16. Approval of minutes of the October 1, 2013 City Council Meeting
17. Possible closed meeting for allowed purposes pursuant Utah Code Annotated 52-4-205
18. Possible action following closed meeting
19. Adjourn

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Heidi Voordeekers, City Recorder/Auditor, at (801) 292-4486. Any residents or property owners in West Bountiful City may request to offer a prayer or thought at the City Council Meetings. Please notify Heidi Voordeekers of this desire twenty-four (24) hours before the meeting.

This agenda has been posted and delivered to the City Council and sent to the Clipper Publishing Company on October 10, 2013.
Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, October 15, 2013 at West Bountiful City Hall, Davis County, Utah.

Those in attendance:

MEMBERS PRESENT: Mayor Pro Tem Mark Preece, James Ahlstrom, James Bruhn, Dave Tovey, Debbie McKean. Mayor Kenneth Romney was going to be late.

STAFF PRESENT: Duane Huffman (City Administrator), Heidi Voordeekers (Finance Director/Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Steve Maughan (Public Works Director), Chief Todd Hixson, Nathalie Ellingson (Secretary).

VISITORS: Alan Malan, Jan Carbone.

Called to Order: Mayor Pro Tem Mark Preece called this meeting to order at 7:31 pm

Invocation/Thought – Dave Tovey gave an invocation.
Pledge of Allegiance led by Debbie McKean

Mayor Romney arrived at 7:33 pm.

1. Accept Agenda

The Mayor proposed to move Item 9 to 2a.

MOTION: James Bruhn moved to accept the agenda with proposed change.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

2. Public Comment

Darin Palmer is the account administrator for the Utah Local Governments Trust. They released a member equity distribution and West Bountiful, as
part of the pool, received part of the equity. Mr. Palmer presented a check just over $9,000.00.

2a.
Draft Athletic Field Policy

This item was moved to 2a so it could be discussed while Rocky Miller from the Public Works department was present. Duane Huffman had provided council members with a draft Athletic Field Policy. The issue of random use of the park by organized teams came up during a council report in a previous meeting. The city has an agreement only with the West Bountiful baseball league. Staff was asked to draft a policy that would establish a simple and productive way for teams (lacrosse, soccer, etc.) to get approval and reserve times to use the park. He based the policy draft on North Salt Lake’s athletic field policy.

The first section of the policy provides an overview of the reason for the policy. The second section outlines rules and procedures, including areas available for use. It then sets up deadlines for making reservations so staff can handle multiple uses in one day and deal with two entities requesting use of the field at the same time. Debbie McKeen pointed out they need to make sure areas are available for casual use, and there was some discussion about whether the volleyball court should be available to reserve. It was meant for casual play but Rocky said there have been volleyball tournaments that went over several Saturdays.

The third section was on application instructions. Duane asked the council to look closely at liability issues. There was discussion that many entities won’t have insurance unless they are part of an organized league, and requiring insurance would be an imposition. Duane said he would encourage all teams to get coverage even if for one day. Another option would be to charge an extra fee to mitigate damage and risk. He said he will check with other cities on this issue. The remaining sections listed limitations of use, notices and agreements required, scheduling priorities (West Bountiful-sponsored programs have first priority, non-resident programs have last, etc.), and fees. The fees section has not been drafted yet.

The council advised Duane the policy so far is what they requested, but they are concerned about having too many restrictions. Debbie McKean suggested they have a work session to go over each item. Dave Tovey said only certain portions of the park should be available to reserve. Duane suggested they discuss if they want to have a Saturday and Sunday restriction; maybe adopt a different fee schedule for those days. He wants members of the staff to be able to drop by when a league is playing to
check on things. The council said the staff was going in the right direction and they should continue working with Steve Doxey on the agreement.

3. Consider Approval of 2013 Municipal General Election Judges for West Bountiful City.

MOTION: Debbie McKean moved to approve the general election poll workers pursuant Utah code Section 20A-5-602(c).

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

MOTION: Debbie McKean moved to amend the agenda moving Item 6 to 3a.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

3a. Consider Appeal of Storm Drain Impact Fees Imposed on the Carbone Subdivision

Ben White – The Carbone’s came to the city a year ago with a request to subdivide, creating a flag lot. They are now applying for the building permit and are requesting a waiver of the storm drain impact fee. They presented a letter to the city engineer explaining that their building would have no impact on storm drains because of the slope of the property. Included in the council members’ packets was a copy of the ordinance identifying the policy for assessing impact fees. The fee structure was not designed to take each property’s specific impact into consideration but was established as an across the board average. It was pointed out if this waiver request was approved, the city would open itself to many requests for waivers based on the size and unique characteristics of each home.
MOTION: James Bruhn moved to deny the appeal of storm drain impact fees imposed on the Carbone Subdivision.

SECOND: Debbie McKean seconded the Motion.

DISCUSSION: James Ahlstrom asked Steve Doxey his opinion, and Mr. Doxey said he agrees with Ben’s analysis.

PASSED: Voting by roll call was as follows:
   James Ahlstrom – Nay
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Nay
   Debbie McKean – Aye

4.
Consider Approval of Findings and Decisions on Applicant’s Request for a Variance and Authorize Mayor Romney’s Signature on Document – Jenkins, 790 West 1000 North.

There was some discussion regarding the 30 foot setback requirement in the ordinance. James Ahlstrom suggested they have a range for conditional use permits. The council does not know the rationale of why the standards were set in the first place, and the Planning Commission is looking at the ordinance for possible changes. Mayor Romney said he likes the 30 foot limit because it keeps the rural feel to the community.

MOTION: James Ahlstrom moved to approve the findings and decisions on the Jenkins’s request for a variance and authorize Mayor Romney’s signature on the document.

SECOND: Debbie McKeen seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKeen – Aye

5.
Consider Approval of Findings and Decisions on Applicant’s
Request for a Variance and
Authorize Mayor Romney’s
Signature of Document –
*Wilson, 1804 North 800 West.*

MOTION: Dave Tovey moved to approve the findings and decisions on
the Wilson’s request for a variance and authorize Mayor Romney’s
signature of the document.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

6.
Moved to 3a.

7.
Consider Approval of Resolution 319-13,
a Resolution to Vacate a Public Utility
Easement Located at Approximately
600 East 600 North, Bountiful, Utah.

Ben White – the property was purchased from the LDS Church so the city
could put a water tank there. There was no access from a road so the
church gave them an access easement. The easement is no longer needed
because Bountiful City is putting in a new road, and Bountiful is asking
West Bountiful to vacate the easement to provide more area on which to
build.

MOTION: James Bruhn moved to approve Resolution 319-13 to vacate a
public utility easement located at approximately 600 East 600 North,
Bountiful, Utah.

SECOND: Debbie McKean seconded the Motion.

DISCUSSION: James Ahlstrom asked why the city was giving away the
property and Ben said they hadn’t paid anything to the church for it.
Mayor Romney thought they should have a conversation about the value
of the property and find out details on what is going to be done with the
land. They should also consider that they are talking about buying water
from Bountiful and the stub-in would be on the property. Debbie suggested they table the approval and gather more information.

DENIED: Voting by roll call was as follows:

- James Ahlstrom – Nay
- Mark Preece – Nay
- James Bruhn – Aye
- Dave Tovey – Nay
- Debbie McKean – Nay

8.
Consider Proposed Amendment to the FY 2014 Budget and Set Date for Public Hearing.

Heidi Voordecker – a memorandum was provided to council explaining the background of the budget items being proposed (snowplow, golf course irrigation, tuition reimbursement). One item not mentioned in the memo is an additional $23,000 approved for fencing and signage at the golf course entrance. Debbie McKean suggested a work session regarding tuition reimbursement. A public hearing will be held November 19 during the regular council meeting. This motion was to tentatively adopt the amendments. They will be considered for final approval following the public hearing.

MOTION: Dave Tovey moved to approve the proposed amendments to the FY 2014 Budget and set a date for the public hearing on November 19 at 7:35.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting by roll call was as follows:

- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Nay
- Dave Tovey – Aye
- Debbie McKean – Aye

9.
Moved to 2a.

10.
Planning Commission Report

Duane Huffman distributed copies of a conditional use permit for the Jensen’s. Their prior violations were dropped. At council’s request, the commission discussed ordinance language regarding decks, 25% for
accessory structures, fire escapes, arboretums, etc. They are actually looking at all the land use ordinances except animals.

11. Engineer Report

Ben White –
- He received two subdivision applications. One is the Hepworth piece at the corner of 400 North and 1100 West, which would be seven lots. All lots would front on 400 North. The other subdivision is in Olsen Farms with eight lots at 1100 West and Pages Lane. They will need to address an issue with lot size – they are three times depth to width.
- He will attend a meeting with the Wasatch Front Regional Council, UDOT, and Bountiful City regarding the I-15 project.
- He has a firm date with the railroad to shut down Pages Lane next week. They will be fixing the sidewalks, curb and asphalt by the tracks.
- He is working on designs for next year’s projects. He will be talking with residents on 800 West, 900 West and 725 West about the projects planned on those streets.

12. Police Report

Chief Hixson – He has been busy filling reserve officer openings -- Christopher Jacobsen, a West Bountiful resident, and Gregory White have been hired as reserve officers. This is the first job in law enforcement for both of them. The crossing guards are doing well. The personnel have been very busy with several investigations, including one with the US Attorney’s Office and one involving multiple states. The JAG grant is completed and the department will be doing some more tech upgrading. There were thirty-seven applicants for the officer position, and the pool has been narrowed down to thirteen.


Heidi – 25% of the fiscal year is past. Sales tax was 8% ahead of last September, which is counting July’s receipts. Fluctuations in sales tax have been state wide. Building permits are up. Heidi is still working with auditors. She’ll be working on the written final audit report the next couple of weeks.


Duane Huffman –
• He wants to hold an official RDA meeting on November 19 so that board members can be updated and the annual report reviewed. He suggested 7:00 pm just before the regular council meeting.
• He is working on a redraft of the personnel policy. He recommends taking out the auxiliary policies; those which have no legal ramifications.
• Early voting will start next Wednesday and the information is posted on the website, Facebook and Twitter.
• He visited the bridge on the 17th hole at the golf course, which is a safety risk. He asked Steve Maughan to put on some extra plywood to strengthen it. They are thinking of putting a path there instead of the bridge but grass has to be better established there first.
• He asked for a brief closed session to discuss pending litigation.

15.
Mayor/Council Reports

Debbie McKean— newsletter items were due today and she got most of them. Dec 9 is Christmas on Onion St. She attended the Mosquito Abatement Conference at Bryce Canyon. Mosquito Abatement received some money from the Utah Local Government Trust also. As trustees, they should take employee safety training. She forwarded information to Duane. At the conference they had a good session on passing the torch—stimulating youth to participate. She suggested inviting youth council members to their board meetings.

Dave Tovey— The youth council is getting ready for Christmas on Onion Street. They are reviewing some of the feedback from last year. Debbie recommended he communicate with Arts Council on where to arrange the choir.

James Bruhn – Members of the men’s golf league are upset they cannot use their winnings for green fees or a next round, etc. No Parking signs on 400 North west of the trail need to be pulled and salvaged. The City ran services into a vacant lot on 1100 West and 300 North for a new home. The owner put the combined parcels for tax purposes but the properties were not changed.

Mark Preece— He attended the emergency preparedness advisory committee meeting. They have a trailer and will fix it up at the city shop. Looking for two more members.

James Ahlstrom – He asked about the vacant seat on the Planning Commission, and Mayor Romney said they have a couple of applicants. The house on Pages Lane past 900 West (just before the Ranches
subdivision) has a garage that looks like an ordinance violation. James
Bruhn said they are building another garage in the back yard.

Mayor Romney— Asked Debbie if there is anything else needed on the
Knighton home. Duane said they will inspect the curb and gutter but the
volunteer groups did a good job. The golf course needs some golf cart
crossing lines.

16. Approval of Minutes of the
October 1, 2013 City Council
Meeting.

James Ahlstrom requested a change in language on Page 11.

MOTION: James Bruhn moved to approve the minutes of the October 1,
2013 City Council meeting.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

10:00 pm

MOTION: Mark Preece moved to extend the meeting until 10:15 pm.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

17. Possible Closed Meeting for Allowed
   Purposes Pursuant Utah Code Annotated
   52-4-205.
MOTION: Mark Preece moved to hold a strategy session to discuss pending or reasonably imminent litigation in the police lineup room.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting by roll call was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

MOTION: James Ahlstrom moved to end the closed session.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

18.
Possible Action Following Closed Meeting
Not necessary.

19.
Adjourn – 10:20 pm.

MOTION: James Bruhn moved to adjourn.

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye
WEST BOUNTIFUL CITY
Statement Regarding Closed Meeting of City Council
October 15, 2013

STATE OF UTAH       )
                ss.
COUNTY OF DAVIS    )

I, Kenneth Romney, hereby affirm as follows:

1. I am the mayor of West Bountiful City, and make the following averments based on personal knowledge.

2. I presided at a duly noticed meeting of the West Bountiful City Council on October 15, 2013.

3. Upon motion and a unanimous vote, the City Council closed the meeting and moved the meeting to the police line-up room for the purpose of discussing the character, professional competence, or physical or mental health of an individual, to hold a strategy session to discuss pending, or reasonably eminent litigation, and to discuss investigative proceedings regarding criminal conduct, pursuant Utah Code Ann. § 52-4-205(1)(a)(c)(g)

4. Upon conclusion of that discussion, the Council resumed its open meeting.

DATED this 22 day of October, 2013.

[Signature]
Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 22 day of October, 2013.

[Signature]
Notary Public